

FILED

AUG 28 2007

**BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA**

**NEBRASKA DEPARTMENT
OF INSURANCE**

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE,

PETITIONER,

vs.

DOUGLAS D. MITTEIS,

RESPONDENT.

CAUSE NO.: A-1739

CONSENT ORDER

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Christine M. Neighbors, and Douglas D. Mitteis ("Respondent"), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondent pursuant to *Neb.Rev.Stat.* §44-101.01 and §44-4047, *et seq.*
2. Douglas D. Mitteis ("Respondent") is a licensed insurance producer whose registered business address with the Nebraska Department of Insurance is 216 Washington Avenue, Plattsmouth, NE 68048.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Douglas D. Mitteis on July 30, 2007. A copy of the petition was served upon the Respondent at his current address of 216 Washington Avenue, P.O. Box 507, Plattsmouth, NE 68048 by certified mail, return receipt requested.

2. Petitioner alleges Respondent engaged in conduct violating *Neb. Rev. Stat.*

§44-4059(1)(h):

- a. On or about June 14, 2006, Respondent bound coverage for a commercial general liability (CGL) policy for Nancy Tesnohldek/Forever Homes. Tesnohldek paid a \$565.33 premium down payment.
- b. On or about June 21, 2006, the insurer requested additional information via facsimile from Respondent about Forever Homes. When Respondent did not respond, the insurer issued a cancellation notice on July 6, 2006, with an effective date of September 10, 2006. The insurer also included a refund check in the amount of \$188.33 dated July 7, 2006.
- c. On or about the end of July 2006, Tesnohldek received the insurer's cancellation notice for the CGL policy and called Respondent. Respondent assured Tesnohldek the cancellation notice was sent in error. However, Tesnohldek requested a copy of the insurance policy. Respondent did not produce said policy until September 5, 2006, after several phone calls from Tesnohldek.
- d. At some point in September or October, Respondent wrote to the insurer and provided a response to the insurer's June 21, 2006 inquiry and returned the refund check with a request to "please apply to re-instate policy." Respondent had knowledge that the policy was cancelled and had not notified Tesnohldek. In response, the insurer sent a letter to Respondent on or about November 1, 2006, informing Respondent that the CGL would not be reinstated.
- e. On or about March 1, 2007, Tesnohldek received a telephone call from her band informing her that the builder's risk policy had been cancelled. Tesnohldek had not received a letter or phone call from Respondent informing her of the cancellation. Tesnohldek was without insurance coverage from September 10, 2006 to at least March 1, 2007 without her knowledge.

3. Respondent was informed of his right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving his right to a public hearing, Respondent

also waives his right to confrontation of witnesses, production of evidence, and judicial review.

4. Respondent neither admits nor denies the allegations contained in the Petition and restated in Paragraph 2 above.

CONCLUSIONS OF LAW

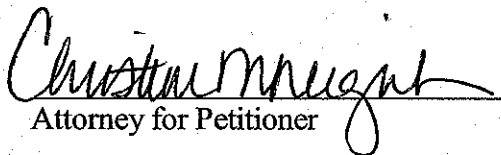
Respondent's conduct as alleged above constitutes violations of *Neb. Rev. Stat. §44-4059(1)(h)*.

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed to by Respondent, Douglas D. Mittels, that Respondent consents to the payment of a fine in the amount of \$1,500.00.

The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling the Respondent or the Department to make application for such further orders as may be necessary.

In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his or her signature below.


Attorney for Petitioner

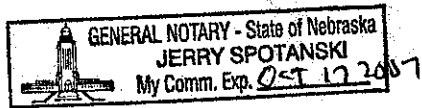
8/27/07
Date


Douglas D. Mittels

8/24/07
Date

State of Nebraska)
County of CASS) ss.

On this 24 day of AUG, 2007, Douglas D. Mitteis personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his voluntary act and deed.



Jerry Spotanski
Notary Public

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. Douglas D. Mitteis, Cause No.: A-1739.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

L. Tim Wagner

L. TIM WAGNER
Director of Insurance

8/27/07
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was served upon Respondent by mailing a copy to his current address: 216 Washington Avenue, P.O. Box 507, Plattsmouth, NE 68048 on this 28th day of August, 2007 by U.S. Mail, postage prepaid.

Tracy A. Fisher